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June 15, 2011

VIA ELECTRONIC FILING

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Office of Proceedings

JUN 15 2011

Part of
Public Record

Re: ***Canexus Chemicals Canada L.P. v. BNSF Railway Company,***
STB Docket No. FD 35524

Dear Ms. Brown:

Attached for filing in the above-referenced proceeding is BNSF Railway Company's Request to Refer the Parties' Interchange Dispute to Board Supervised Mediation. BNSF is also filing today under separate cover an Answer to the Request for an Order Compelling Establishment of Common Carrier Rates filed by Canexus Chemicals Canada, and a Response to the Board's Order of June 8, 2011 Regarding BNSF's Legal Position.

Thank you for your attention to this matter.

Respectfully submitted,



Samuel M. Sipe, Jr.
Counsel for BNSF Railway Company

CC: Counsel for Canexus
Counsel for UP

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**CANEXUS CHEMICALS
CANADA L.P.**

Complainant,

v.

BNSF RAILWAY COMPANY

Defendant.

Docket No. FD-35524

Expedited Consideration Requested

**REQUEST OF BNSF RAILWAY COMPANY TO REFER THE
PARTIES' INTERCHANGE DISPUTE TO BOARD SUPERVISED MEDIATION**

Pursuant to 49 C.F.R. §1109.1, defendant BNSF Railway Company ("BNSF") requests that the Board refer the interchange dispute underlying the complaint of Canexus Chemicals Canada, L.P. ("Canexus") in this matter for resolution through voluntary, Board supervised mediation between Canexus, BNSF, and Union Pacific Railroad Company ("UP"). As explained in BNSF's accompanying Response to the Board's Order of June 8, 2011 Regarding its Legal Position, the key issue raised by Canexus's complaint in this case is whether certain Canexus interline shipments of chlorine should be interchanged at Portland, OR and Spokane, WA, as BNSF prefers or whether they must be interchanged at Kansas City, which Canexus has sought to dictate as the interchange point. The Board has made clear that it should not be involved on a regular basis in resolving interchange disputes. The location of the interchange is a matter that should be resolved in the first instance by the connecting carriers after consultation with the interested shipper. Here, Canexus has sought to determine the outcome of the interchange issue

by entering into a contract with UP that it contends requires BNSF to interchange chlorine shipments, against its will, at Kansas City. The Board should encourage the parties to try to work this matter out.

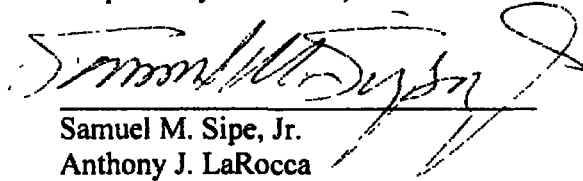
Under the Board's Alternative Dispute Resolution rules, 49 C.F.R. §1109.1, the parties must voluntarily elect to pursue Board sponsored mediation. To facilitate the prompt resolution of this matter, BNSF requests that the Board instruct Canexus and UP to advise the Board no later than 2:00 p.m. on Friday June 17, 2011, of their willingness to participate in Board supervised mediation. If Canexus and UP agree to mediation, BNSF will promptly extend the termination date of its existing temporary rates for movements of Canexus's chlorine to Kansas City for interchange with UP from June 30, 2011, to July 31, 2011. Assuming that Canexus and UP agree to voluntary mediation, there will be no need for the oral hearing that the Board has tentatively scheduled for the afternoon of June 23, 2011. Even if mediation does not successfully resolve this dispute, BNSF's extension of its temporary rates through the end of July should provide ample time for the Board to hear oral argument and resolve this matter before those rates expire.

BNSF requests that, if the parties agree to mediation, the Board appoint a staff member to supervise the mediation and that an initial mediation session be scheduled at a location convenient to the parties as soon as practicable. BNSF will make appropriate corporate representatives available for such a mediation session.

Roger P. Nober
Richard E. Weicher
Jill K. Mulligan
Adam Weiskittel
BNSF RAILWAY COMPANY
2500 Lou Menk Drive
Fort Worth, TX 76131
(817) 352-2353

June 15, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Samuel M. Sipe, Jr.", is written over a horizontal line.

Samuel M. Sipe, Jr.
Anthony J. LaRocca
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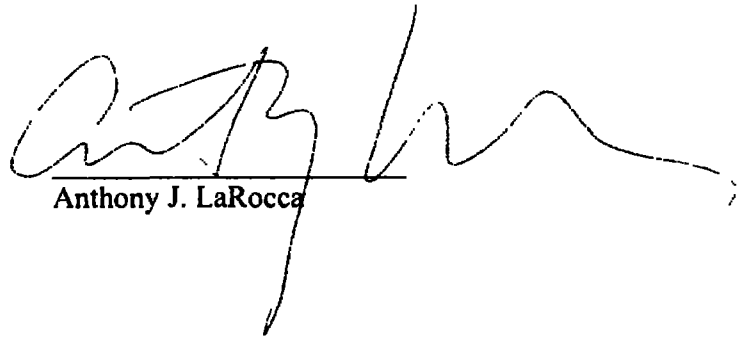
Certificate of Service

I hereby certify that on this 15th day of June, 2011, I have served a copy of the foregoing BNSF Railway Company's Request to Refer the Parties' Interchange Dispute to Board Supervised Mediation on the following by hand-delivery to:

Thomas W. Wilcox
Edward D. Greenberg
Svetlana Lyubchenko
GKG Law, PC
1054 31st St NW, Suite 200
Washington DC 20007

And by overnight and email delivery to:

J. Michael Hemmer
Louise A. Rinn
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Anthony J. LaRocca